

Message Text

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TAGS: AORG, BIE

SUBJECT: BIE DRAFT PERSONNEL REGULATIONS

REF: PARIS A-254

FOR COMMERCIAL COUNSELOR

1. OUR COMMENTS REGARDING THE PROPOSED REGULATIONS
(INCLUDING SOME THOUGHTS ON ARTICLES 47 AND 48 WHICH WERE
APPROVED AT THE APRIL 1975 GENERAL ASSEMBLY) FOLLOW FOR
TRANSMITTAL TO THE BIE.

2. A) COMMENT ON PROPOSED PERSONNEL REGULATIONS OF THE BIE

THE AMERICAN GOVERNMENT HAS RECEIVED AND REVIEWED THE
DRAFT PERSONNEL REGULATIONS FOR BIE PERSONNEL WHICH WERE
TRANSMITTED AS AN ATTACHMENT TO THE MINUTES OF THE MEET-
ING OF THE ADMINISTRATIVE AND BUDGET COMMITTEE ON APRIL 23,
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1976. OUR COMMENTS ALSO CONCERN ARTICLES 43-48 WHICH WERE

ADOPTED BY THE GENERAL ASSEMBLY IN THE SPRING SESSION 1975.

B) ARTICLE 47

WE OPPOSE 100 PERCENT COST OF LIVING ADJUSTMENTS TO SALARIE WITH RETROACTIVE EFFECT. THE MEMBER STATES WHICH PAY THE BIE BILLS DO NOT GUARANTEE TO THEIR OWN EMPLOYEES A 100 PERCENT HEDGE AGAINST RISING LIVING COSTS. MOREOVER, TO GRANT 100 PERCENT EQUIVALENCY WITHOUT APPROPRIATE RECOGNITION OF THE REAL EFFECT OF INFLATION ON THE WAY PERSONAL INCOME IS SPENT IS TO GIVE SOME PEOPLE A GREATER THAN 100 PERCENT INFLATION ADJUSTMENT

AS THE FOLLOWING EXAMPLES ILLUSTRATE:

(1) SOME PORTIONS OF SALARY ARE UNAFFECTED BY INCREASES IN LIVING COSTS, AS FOR EXAMPLE PENSION CONTRIBUTIONS, AND FOR THIS REASON THE UN DEDUCTS 4.3 PERCENT OF THE RISE IN THE COST OF LIVING FROM LIVING COST ADJUSTMENTS.

(2) IF SALARIES ARE NET OF TAX AS ARE THOSE IN MOST INTERNATIONAL ORGANIZATIONS (THE DRAFT REGULATIONS ARE SILENT ON THIS POINT) AND NATIONAL INCOME TAXES ARE PROGRESSIVE IN THAT THE HIGHER THE INCOME THE GREATER THE TAX, THEN TAXABLE SALARIES WHICH ARE RAISED IN RESPONSE TO INFLATION YIELD GROWTH IN REAL INCOME WHICH IS GREATER THAN THE INCREASE IN SALARIES WHICH ARE SUBJECT TO TAXATION.

C) ARTICLE 48

WE FIND THE LANGUAGE CONCERNING OUTSIDE EMPLOYMENT TOO RESTRICTIVE. WE CAN SEE NO LEGITIMATE OBJECTION WHERE THERE IS NO CONFLICT OF INTEREST OR INTERFERENCE WITH THE PERFORMANCE OF BIE DUTIES. HOWEVER, IN A SECRETARIAT OF ONLY FOUR INDIVIDUALS WE ACKNOWLEDGE THAT ONLY THE SECRETARY GENERAL CAN MAKE THAT DETERMINATION.

D) TITLE I - WORKING CONDITIONS

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(1) ARTICLE 1. THE WORKING HOURS SHOULD BE STATED SPECIFICALLY, AT LEAST IN TERMS OF THE NUMBERS OF HOURS IN THE WORK-WEEK, WHICH WE ASSUME SHOULD BE 40. THE REGULATIONS OF MOST INTERNATIONAL ORGANIZATIONS SPECIFY THE PRECISE DAILY WORKING HOURS.

(2) ARTICLE 2. WHILE WE WILL NOT ARGUE AGAINST

ANNUAL LEAVE POLICIES BEING BASED ON BEST PREVAILING LOCAL PRACTICES, THE CREDITING OF 2-1/2 WORK DAYS OF ANNUAL LEAVE PER MONTH IS EXCESSIVE. BY COMPARISON, THE U.S. GOVERNMENT, GENERALLY CONSIDERED A GENEROUS EMPLOYER, ALLOWS 13 DAYS PER YEAR DURING THE FIRST THREE YEARS OF SERVICE, 20 DAYS DURING THE NEXT 12 YEARS, AND 26 DAYS DURING ALL SERVICE BEYOND 15 YEARS.

(3) THE PROVISION FOR EIGHT DAYS YEARLY OF SPECIAL QUOTE FAMILY UNQUOTE LEAVE IN ADDITION TO THE 2-1/2 DAYS PER MONTH IS NOT WARRANTED AND SHOULD BE DELETED.

E) TITLE II - SOCIAL MATTERS

(1) ARTICLE 3. WE ASSUME THAT THE SOCIAL SECURITY BENEFITS PROVIDED FOR BY FRENCH LAW INCLUDE PENSION BENEFITS. IF THIS IS CORRECT, THEN THE NEED FOR A SEPARATE AND SUPPLEMENTAL RETIREMENT SYSTEM FOR BIE STAFF SHOULD BE EXAMINED IF IT WILL INVOLVE INCREASED COSTS TO MEMBER STATES.

(2) ARTICLE 4. WE CONSIDER THE PROVISION FOR PAYMENT OF ONE AND ONE-HALF YEARS OF SALARY FOR ABSENCE DUE TO ILLNESS OR INJURY TO BE EXCESSIVE. WE WOULD PREFER THAT QUOTE SICK LEAVE UNQUOTE BE CREDITED FOR EACH MONTH SERVICE (TWO DAYS PER MONTH WOULD SEEM TO BE A REASONABLE RATE). THE PRACTICE OF THE OECD MIGHT BE EXAMINED IN THIS CONNECTION.

(3) ARTICLE 5. THE DEATH BENEFITS PROVISION APPROPRIATELY SHOULD BE A PART OF THE PENSION PLAN RATHER THAN A GRATUITY UNDER THE PERSONNEL REGULATIONS.

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(4) ARTICLE 6. WE WOULD LIKE TO SEE INCLUDED A REQUIREMENT FOR A PRE-EMPLOYMENT MEDICAL CLEARANCE BY A PHYSICIAN DESIGNATED BY THE BIE.

(5) ARTICLE 7. WE WOULD QUESTION THE USE OF BIE FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO THE STAFF UNLESS SUCH ASSISTANCE CLEARLY IS IN ACCORDANCE WITH BEST PREVAILING LOCAL PRACTICE. IF SUCH ASSISTANCE IS TO BE PROVIDED, THE INTEREST RATE SHOULD BE SPECIFIED IN THESE REGULATIONS. NO ADVANCE IN SALARY OR FINANCIAL ASSISTANCE SHOULD EXCEED THE VALUE OF THE EMPLOYEE'S ACCUMULATED ANNUAL LEAVE.

F) TITLE IV - TERMINATION OF DUTIES

(1) ARTICLE 10. WE FIND IT UNREASONABLE TO REQUIRE THREE MONTHS NOTICE FROM A DEPARTING EMPLOYEE. SINCE THE REQUIREMENT CANNOT BE ENFORCED IN ANY CASE, IT SHOULD BE REDUCED TO ONE MONTH'S NOTICE.

(2) ARTICLE 11(B). COMPENSATION FOR AN EMPLOYEE IS MISSED FOR REASONS SPECIFIED IN ARTICLE 11(A) SHOULD NOT EXCEED ONE YEAR'S SALARY.

G) GENERAL COMMENTS: WE CONSIDER IT APPROPRIATE TO KEEP THE PERSONNEL REGULATIONS FOR SUCH A SMALL ORGANIZATION AS THE BIE BRIEF AND FLEXIBLE. HOWEVER, IT DOES SEEM DESIRABLE TO COVER IN THE REGULATIONS SUCH ITEMS AS OFFICIAL LOCAL HOLIDAYS, HOME LEAVE, MATERNITY LEAVE, AN OATH OF OFFICE, OVERTIME PAY, EMPLOYEE APPEAL RIGHTS AND PROCEDURES, TAX REIMBURSEMENT POLICIES, AND MILITARY SERVICE.

3. WE REQUEST THAT EITHER MR. BLODGETT OR MS. PLAISTED ARRANGE TO ATTEND THE SEPTEMBER 23 MEETING OF THE ADMINISTRATION AND BUDGET COMMITTEE AS AN OBSERVER IN ORDER TO PRESENT OUR VIEWS AND RESPOND TO ANY QUESTIONS. ROBINSON

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